

# **The Gazette of India**



## **EXTRAORDINARY PART II—Section 3 PUBLISHED BY AUTHORITY**

**No. 152] NEW DELHI, FRIDAY, JUNE 12 1953**

### **ELECTION COMMISSION, INDIA**

#### **NOTIFICATION**

*New Delhi, the 11th June 1953*

**S.R.O. 1123.**—WHEREAS the election of Sardar Fateh Singh of Machhi Hatta, Samana, as a member of the Legislative Assembly of the State of Patiala and East Punjab States Union, from the Samana constituency of that Assembly (now dissolved) has been called in question by an Election Petition duly presented under Part VI of the Representation of the People Act, 1951 (XLIII of 1951), by Raja Brijinder Singh of Ram Bagh, Patiala;

AND WHEREAS the Election Tribunal appointed by the Election Commission, in pursuance of the provisions of section 86 of the said Act, for the trial of the said Election Petition, has in exercise of the powers conferred on it by section 109 of the said Act, granted leave to Raja Brijinder Singh to withdraw the said petition;

AND WHEREAS the said Tribunal has, in pursuance of the provisions of clause (c) of sub-section (3) of section 110 of the said Act, allowed Sardar Kaur Singh of Village and Post Office Maur, Tehsil Sunam, District Sangrur, to be substituted as a petitioner in place of Raja Brijinder Singh of Ram Bagh, Patiala;

AND WHEREAS the said Tribunal has, in pursuance of the provisions of section 103 of the said Act, sent a copy of its Order to the Commission;

NOW, THEREFORE, in pursuance of the provisions of section 106 of the said Act, the Election Commission hereby publishes the said Order of the Tribunal.

#### **BEFORE THE ELECTION TRIBUNAL, KAPURTHALA AT PATIALA**

**V. B. Sarwate—Chairman.**

**S. B. Kartar Singh—Member.**

**Jia Ram Saxena—Member.**

**ELECTION PETITION No. 80 OF 1952**

#### **PETITIONER:**

**S. Kaur Singh S/o S. Gian Singh, V. & P.O. Maur, Tehsil Sunam, District Sangrur.**

#### **Versus**

#### **RESPONDENTS:**

1. **S. Fateh Singh S/o S. Sarup Singh, Machhi Hatta, Samana.**
2. **Sh. Braham Datt S/o Sh. Hari Ram, Chowk Purani Kotwali, Patiala**
3. **Sh. Mohan Lal Jain S/o Sh. Bishan Dass, Jain Street, Samana.**
4. **Sh. Niranjan Parshad S/o Sh. Ram Parshad, Nishkam Patiala (New Patiala).**

5. S. Ridha Singh S/o S. Partap Singh, V. & P.O. Dugal Ghagga,
6. S. Shamsher Singh S/o S. Maihama Singh, V. & P.O. Dugal Khurd.
7. Sh. Chattar Ram S/o Sh. Maru Ram, near Garden Zakar Hussan, Samana.
8. S. Sarwan Singh S/o S. Man Singh, Mohalla Jattan, Samana.
9. Sh. Hari Singh Advocate S/o Sh. Arjan Parshad near Mandir Sat Narain, Patiala.
10. Shri Matl Kusam W/o S. Charanjit Singh Bedi, H. No. 972, W. No. 8, Sirhindi Gate, Patiala.
11. S. Noginder Singh S/o S. Sher Singh, Dhuri Gate, Sangrur.
12. S. Randhir Singh S/o Hazura Singh, Lutki Majra, P.O. Kularan, District Patiala.

*Order delivered on 25th May, 1953.*

This election petition was presented by Raja Brijendra Singh calling in question the election of the 1st respondent S. Fateh Singh from the Samana Constituency of the PEPSU Legislative Assembly. A declaration was claimed that election of the returned candidate was void on the ground that his nomination had been improperly accepted—he, not being eligible for being chosen by reason of certain alleged disqualifications to which he was subject at the time. This was the only ground of the petition and Raja Brijinder Singh who had secured the second highest total of votes had claimed that after setting aside the election of respondent No. 1 he himself should be declared to be elected in the seat. This petition was, however, withdrawn by Raja Brijinder Singh and this he was allowed to do under S. 109(1) of R.P. Act of 1951. But the 3rd respondent of the petition S. Kaur Singh claimed to continue the petition under S. 109. This was on 16th February 1953. After this, however, the President's proclamation dated 4th March 1953 came to be promulgated by which the entire Assembly of the PEPSU State was declared to be dissolved with a direction for holding fresh election for constitution of the Assembly. The result of this is to make the seat vacant so that no necessity for the declaration sought in this case could remain and now the returned candidate has died, so that even without dissolution remaining in force, the seat has been rendered vacant and open for a fresh election. No purpose remains to be served for which any inquiry into the election petition may be thought to be necessary now. Raja Brijinder Singh by withdrawing gave up his claim to the seat. That would not have, however, entitled the present petitioner to claim the seat for himself even if the dissolution is for any reason revoked. It is thus realized by all concerned that the petition is now rendered infructuous and nothing is to be gained by pursuing inquiry. It is, therefore, ordered that the petition abates under section 116 of the Representation of People Act, 1951. The petition is, therefore dismissed. No order for costs.

(Sd.) V. B. SARWATE—Chairman.

(Sd.) KARTAR SINGH—Member.

(Sd.) JIA RAM SAXENA—Member.

**PATIALA:**

*The 25th May, 1953*

[No. 19/80/52-Elec.III/9048.1]

By Order,

P. R. KRISHNAMURTHI, Asstt. Secy.